THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9387 of 2003

Dated:8.9.2006

Between

1.Chalasani Swaroopa Rani and others.

.....Petitioners

and

1.The Krishna District Cooperative Central Bank Ltd., Machilipatnam Rep., by the Special Category Deputy Registrar, Officer on Special Duty (FAC) and another.

…Respondents

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ORDER:

This writ petition is filed seeking to declare the order passed by the Special Category Deputy Registrar, Officer on Special Duty (F.A.C), The Krishna District Cooperative Central Bank Ltd., Machilipatnam in Form No.9 under Rule 52 (11)(e) of A.P. Co-operative Societies Rules, 1964 on behalf of Musunur Primary Agricultural Cooperative Society, Musunur, Krishna District, bringing the properties of the petitioners mentioned in the annexure, for sale on 6.6.2003 for realization of amounts Rs.23,368/-, Rs.20,250/- and Rs.55,864/- respectively due to Musunur PACS, Musunur as arbitrary and illegal.

It appears that the petitioners have obtained loans from the society for raising Mango garden with proper fencing and water facility. Unfortunately, when the Mango garden had grown up and started yielding, the area suffered continuous drought in Musunuru Mandal, Krishna District, as a result of which, they are not getting proper yield from the Mango garden and not able to clear the

instalments. Further, the Mandal Revenue Officer, Musunuru by a notification published in Gazette No.4/2003, dated 22.1.2003 declared Katrenipadu village, Musunur Mandal as drought hit area. While so, the impugned order was passed by the respondents seeking to auction the properties of the petitioners.

Now, it is submitted by the learned counsel for the petitioners that One Time Settlement Scheme is available in the 1st respondent-bank and that the Government also issued various instructions for the said purpose and also for waiver of the loans in the drought hit areas. In view of that, the learned counsel for the petitioners requests that the petitioners may be permitted to make a detailed representation, in this regard, and till such time, the impugned orders may not be given effect to.

In view of the above, without expressing any opinion on merits, the petitioners are directed to make a detailed representation to the respondents for one time settlement/waiver of the loans as per the scheme and the governmental orders in vogue in this regard, and the respondents shall entertain and dispose of the same, as per law, within a period of six weeks, subject to condition that the petitioners

deposit an amount for Rs.5,000/- each, apart from what they have paid in the appeal as per the directions of this Court. Till the matter is decided, no coercive steps shall be taken by the respondents.

With the above direction, the writ petiton is disposed of. No costs.

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08.09.2006

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